

TEXAS COURT OF CRIMINAL APPEALS

No. PD-1096-19

FILED
COURT OF CRIMINAL APPEALS
4/20/2020
DEANA WILLIAMSON, CLERK

Ex parte Christopher Rion

**On Discretionary Review from the Fifth Court of Appeals
No. 05-19-00280-CR**

**On Appeal from Criminal District Court No. 5, Dallas Co.
No. WX18-90101**

Second Motion to Extend the Time to File the Appellant's Brief Requesting Three Additional Days

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Attorney for Appellant Rion

To the Honorable Judges of the Texas Court of Criminal Appeals:

Attorney for Appellant Rion files this Second Motion to Extend the Time to File the Appellant's Brief, Requesting Three Additional Days:

I. Motion

1. On September 13, 2019, in [*Ex parte Rion*, No. 05-19-00280, 2019 Tex.App.-LEXIS 8318 \(Tex.App.-Dallas Sep. 13, 2019\) \(mem. op., not designated for publication\)](#), the Court of Appeals reversed the Order of the trial court signed on February 1, 2019 (CR.706) that denied Rion's *Pretrial Application for Writ of Habeas Corpus Seeking Relief from Double Jeopardy, and in the alternative, a Motion for Continuance* (CR.91-128).

2. The State filed a petition for discretionary review, and it was granted on January 15, 2020.

3. This Court granted one extension to the State for its brief.

4. On March 2, 2020, the State filed its brief.

5. The Appellant's Brief is due on **April 17, 2020**.

6. Appellant filed one previous motion to extend the time to file the Appellant's Brief. It was granted, giving Appellant 15 additional days.

7. For good cause, Attorney for Appellant asks for an extension of **three days** until **April 20, 2020** to file the Appellant's Brief.

8. Attorney for Appellant relies on the following facts for good cause for the requested extension: Attorney for Appellant has been diligently working on the Appellant's Brief. It is mostly complete. He requires three additional days to complete his research and add arguments that may help this Court's decisional process.

9. Attorney for Appellant continues to investigate three other death penalty cases including *Ex parte Hudson*, No. 3CR-16-32585 (3rd Dist. Ct. Anderson Co.), No. WR-88,225-01 (Tex.Crim.App.). He is also preparing for a jury trial in *State v. Wall*, No. CR17-0896 (43rd Dist. Court Parker Co.), a capital murder case specially set in September 2020.

10. Attorney for Appellant has these briefs, petitions, or motions due soon:

- PDR in *Rickerson v. State*, No. PD-0259-20 (Tex.Crim.App.) due April 20, 2020
- Appellant's Brief in *Williams v. State*, No. 06-19-00272-CR (Tex.App.-Texarkana) due May 4, 2020
- Appellee's Brief in *State v. Moreno*, No. 01-19-00861-CR (Tex.App.-Houston [1st Dist.]) due May 4, 2020
- Appellant's Brief in *United States v Shults*, No. 19-11145 (5th Cir.) the record on appeal of which has expanded to 15,495 pages. This brief is now due on May 18, 2020

11. Appellant is entitled to the effective assistance of appellate counsel, and the extra time requested is necessary to provide such counsel. *See Evitts v. Lucey*, 469 U.S. 387, 392 (1985),

12. This Motion is **not** filed for purposes of delay, but so that justice may be served.

II. Conclusion

Attorney for Appellant prays that this Court grant this Second Motion to Extend the Time to File the Appellant's Brief, Requesting Three Additional Days.

Respectfully submitted,

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III. Certificate of Service

I certify that on April 17, 2020, this document was served by efile on the Dallas County District Attorney's Office to DCDAAppeals@dallascounty.org and joshua.vanderslice@dallascounty.org; and on the State Prosecuting Attorney to stacey.soule@spa.texas.gov, john.messinger@spa.texas.gov, and information@spa.texas.gov.



/s/ Michael Mowla
Michael Mowla

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